
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DEMETRICK LEON SMITH,

Petitioner,

versus

WARDEN LARA,

Respondent.

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CIVIL ACTION NO. 1:17-CV-464

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Demetrick Leon Smith, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge entered a Report recommending the above-styled petition should be dismissed based on the lack of jurisdiction. Additionally, the magistrate judge entered a Report recommending the above-styled petition should be dismissed for want of prosecution.

The court has received and considered the Reports of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Reports. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner’s objections are without merit. Further, petitioner’s objections to the second Report do not address the Report.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the Reports of the magistrate judge are **ADOPTED**. The above-styled petition is **DISMISSED** for not meeting the criteria required to support a claim under the savings clause of § 2255 and this court lacks jurisdiction to entertain a § 2255 motion. Alternatively, the petition is **DISMISSED** for want of prosecution. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 20th day of April, 2018.

A handwritten signature in cursive script, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE